

REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and reconsideration of the Office Action dated April 6, 2007. Upon entry of this Amendment, Claims 1-6, 8, 9, 11-17, 19, 20, 22-28, 30, 31, 33-39, 41, 42, 44, 48, and 49 will be pending in this application. Claims 48 and 49 are new.

Support for the amendments to the claims is found in the specification in Paragraphs 00043-00049 and in Fig. 7.

The Examiner has rejected Claims 1-4, 6-2, 12-15, 17-21, 23-26, 28-32, 34-37, and 39-43 under 35 U.S.C. §103(a) as being unpatentable over Vermillion (United States Patent No. 4,459,790) in view of Holztrager (United States Patent No. 5,921,044) and Biela (United States Patent No. 3,667,177). The Examiner has also rejected Claims 1-5, 11, and 23 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 2, 3, 5, and of United States Patent No. 6,918,212 in view of the Biela reference. Further, the Examiner has concluded that Claims 16, 27, and 38 define patentable subject matter if rewritten in independent form including the intervening claims.

With respect to the rejection of the claims under §103, independent Claims 1 and 23 have been amended to define a fabric wall panel system and method for installing a fabric wall panel system respectively. As amended, Claim 1 defines a fabric wall panel system in which the fixed base attachment strip of the base track and the removable trim attachment strip form an enclosed chase along the base track. Because of the enclosed chase is formed by the upper and lower connector webs and the upper and lower engagement webs, the chase is completely enclosed by the elements of the base track. Consequently, any wires within the enclosed chase cannot come in contact with the floor or the wall panel. Moreover, because the chase is formed by engagement of the upper and lower engagement webs with the upper and lower connector webs,

prior to the engagement between the connector webs and the engagement webs, the upper and lower connector webs form an open, unrestricted channel for the placement of the wires during construction. By contrast, the Biela reference discloses three spaces: (1) a space formed between the floor and the floor molding, (2) a space between the wall panel and the floor molding, and (3) a space within the retainer. With respect to the first two spaces, any irregularities in the floor or the wall panel may adversely affect the wires placed within those spaces. Further, the space within the retainer has a restricted opening that is closed by the single tongue connector protruding into the center of the space. That configuration creates the possibility of damage to any wires within that space. Therefore, the space within the retainer cannot provide the same advantages as the chase defined by Claim 1.

With respect to independent method Claim 23, applicant submits that Claim 23 defines patentable subject matter for the same reasons offered above with respect to Claim 1. Dependent Claims 2-6, 8, 9, 11-17, 19, 20, 22, 24-28, 30, 31, 33-39, 41, 42, and 44 depend from either Claim 1 or Claim 23. Therefore, those dependent claims defined patentable subject matter for the reasons given with respect to Claim 1 and Claim 23.

With respect to the obviousness-type double patenting rejection, applicant submits a terminal disclaimer.

With respect to new Claims 48 and 49, Claim 48 is a combination of the subject matter of Claim 1 and Claim 5. While the Examiner identified Claims 16, 27, and 38 as defining patentable subject matter, the Examiner did not reject Claim 5 based on the prior art. Applicant therefore believes that Claim 5, which defines the ledge for supporting a drop ceiling, should have been included among those claims defining patentable subject matter. As a result, applicant believes that Claim 48 defines patentable subject matter even though it does not include the subject matter of intervening Claim 2. Particularly, applicant does not believe that the subject matter of intervening Claim 2 is necessary to the patentability of the subject matter of Claim 48. Similarly, Claim 49 is a combination of the subject matter of Claim 23 and Claim 16, which the

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Amendment

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Examiner determined to find patentable subject matter. Again, Claim 49 does not include the subject matter of intervening Claim 12 because applicant does not believe that the subject matter of Claim 12 is necessary to the patentability of Claim 49.

Applicant respectfully submits that this Amendment obviates the outstanding rejections in this case and places the application in condition for allowance. Allowance of this application is earnestly solicited.

If any additional fees are due in connection with the filing of this Amendment or the accompanying papers, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 040965.015CIP. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee also should be charged to SGR Deposit Account No. 02-4300, Order No. 040965.015CIP. Any overpayment can be credited to Deposit Account No. 02-4300, Order No. 040965.015CIP.

Respectfully submitted.

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